IN THE SUPREME COURT OF MISSOURI

CHARLES MATTHEW SOEHLKE,	)	
	)	
Petitioner/Respondent,	)	
	)	
v.	)	**Appeal No. SC92872**
	)	
ANGELA CRUMER-SOEHLKE,	)	
	)	
Respondent/Appellant.	)	

ON APPEAL FROM THE SCOTT COUNTY CIRCUIT COURT
HONORABLE W.H. WINCHESTER, III, PRESIDING

SUBSTITUTE REPLY BRIEF OF APPELLANT ANGELA CRUMER-SOEHLKE

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I

THE TRIAL COURT ABUSED ITS DISCRETION IN FAILING TO APPOINT A GUARDIAN AD LITEM *SUA SPONTE* BECAUSE SUCH AN APPOINTMENT WAS MANDATED UNDER §452.423.2 RSMO IN THAT FATHER CHARGED IN HIS PLEADING THAT MOTHER COMMITTED ACTS AMOUNTING TO ABUSE OR NEGLECT, AND MORE SPECIFICALLY, FATHER RAISED INFLAMMATORY ALLEGATIONS THAT MOTHER THREATENED THE CHILD WITH MISSING SCHEDULED ACTIVITIES IF HE SPENT TIME WITH FATHER, THAT MOTHER SHARED A BED WITH A MUSLIM MAN OF SUPPOSEDLY QUESTIONABLE MORALS WHILE THE CHILD WAS PRESENT, THAT MOTHER REFUSED TO ALLOW THE CHILD TO ATTEND A FUNERAL WITH FATHER'S FAMILY AND THAT MOTHER GENERALLY ALIENATED THE CHILD FROM FATHER; THAT THE TRIAL COURT LATER RAISED THE SPECTER OF EMOTIONAL ABUSE OR NEGLECT ON THE RECORD BY ACCUSING BOTH PARENTS OF INEXCUSABLE CONDUCT AND PLACING THE CHILD IN THE MIDDLE OF THEIR DISPUTES; AND EVEN THOUGH NEITHER MOTHER NOR FATHER REQUESTED THE APPOINTMENT OF A GUARDIAN AD LITEM, THE TRIAL COURT HAD AN

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THE TRIAL COURT ERRED IN ADOPTING ITS AMENDED PARENTING PLAN *NUNC PRO TUNC* WITHOUT PRIOR NOTICE OR HEARING BECAUSE THIS ACTION EXCEEDED THE TRIAL COURT'S AUTHORITY UNDER SUPREME COURT RULE 74.06(a) IN THAT THE POWER OF A COURT TO CORRECT A JUDGMENT *NUNC PRO TUNC* IS LIMITED TO CORRECTING CLERICAL MISTAKES ARISING FROM INADVERTENT ERRORS OR OMISSIONS IN THE RECORD AND CANNOT BE USED, AS HERE, TO IMPOSE SUBSTANTIVE CHANGES IN THE DISCRETIONARY AUTHORITY OF THE COURT TO ADOPT A PHYSICAL CUSTODY SCHEDULE.

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ARGUMENT

I

THE TRIAL COURT ABUSED ITS DISCRETION IN FAILING TO APPOINT A GUARDIAN AD LITEM *SUA SPONTE* BECAUSE SUCH AN APPOINTMENT WAS MANDATED UNDER §452.423.2 RSMO IN THAT FATHER CHARGED IN HIS PLEADING THAT MOTHER COMMITTED ACTS AMOUNTING TO ABUSE OR NEGLECT, AND MORE SPECIFICALLY, FATHER RAISED INFLAMMATORY ALLEGATIONS THAT MOTHER THREATENED THE CHILD WITH MISSING SCHEDULED ACTIVITIES IF HE SPENT TIME WITH FATHER, THAT MOTHER SHARED A BED WITH A MUSLIM MAN OF SUPPOSEDLY QUESTIONABLE MORALS WHILE THE CHILD WAS PRESENT, THAT MOTHER REFUSED TO ALLOW THE CHILD TO ATTEND A FUNERAL WITH FATHER'S FAMILY AND THAT MOTHER GENERALLY ALIENATED THE CHILD FROM FATHER; THAT THE TRIAL COURT LATER RAISED THE SPECTER OF EMOTIONAL ABUSE OR NEGLECT ON THE RECORD BY ACCUSING BOTH PARENTS OF INEXCUSABLE CONDUCT AND PLACING THE CHILD IN THE MIDDLE OF THEIR DISPUTES; AND EVEN THOUGH NEITHER MOTHER NOR FATHER REQUESTED THE APPOINTMENT OF A GUARDIAN AD LITEM, THE TRIAL COURT HAD AN

OVERRIDING DUTY TO MAKE THE APPOINTMENT TO PROTECT THE INTEREST OF THE CHILD.

Mother contends in her first point that the trial court abused its discretion in failing to appoint a guardian ad litem. (Appellant's Substitute Brief, pp. 24-29.) Mother contends that Father's inflammatory allegations about Mother's treatment of the child effectively amounted to charges of emotional abuse or neglect. And later, the trial court raised the specter of abuse or neglect by accusing both parents of placing the child in the middle of their disputes.

In his response, Father denies that the allegations in his First Amended Motion for Modification rose to the level of "abuse" or "neglect" under Chapter 210. To support this argument, Father mischaracterizes his accusations in benign terms. For instance, Father denies that he ever specifically accused Mother's alleged paramour, Imad Khamis, of being a man of "questionable morals." (Respondent's Substitute Brief, p. 29.) Yet this is the essence of what Father intended when he alleged, first, that "Imad Khamis frequently sleeps over at [Mother's] home and shares a bed with [Mother] while the minor child is present in the residence;" and second, that "according to the minor child, [Mother] informed the minor child that Muslim men, such as Mr. Khamis, are permitted to have more than one wife." (L.F. 42.)

In her post-trial motion, Mother formally requested the appointment of a guardian ad litem. (L.F. 113.) With her motion, Mother produced an earlier application for a child protection order filed by Father in Bollinger County where

he accused Mother and Mr. Khamis of "having sexual relations w/my son in the room." Based on this accusation, Father specifically claimed "[t]hey are emotionally abusing him." (L.F. 151.) Father protests too much in trying to downplay the essence of this same kind of accusation in his First Amended Motion.

In a similar vein, Father denies that he ever accused Mother of "threatening" the child with the loss of activities if he spent more time with Father. (Respondent's Brief, p. 29.) Yet no other conclusion can be drawn by the charge of Mother "[s]uggesting to the parties' minor child, Ryan, that if the child, Ryan, spends time with [Father] as ordered and directed by this Court, the child will be missing activities planned and scheduled by [Mother] for the child during [Father's] custody times, such as St. Louis Cardinal baseball games and other family outing, tae-kwon-do and other extracurricular activities." (L.F. 43.) Again, Father protests too much in now contending that he never suggested Mother was "threatening" the child with missing favored activities. Father's allegations speak for themselves.

Father also downplays the effect of the trial court's accusations at the end of the trial. Father admits the trial court believed that "each of the parties, in the past, had behaved badly in dealing with the other party and that such behavior was not in the best interests of the minor child." (Respondent's Brief, p. 32.) Applying his own editorial spin, Father omits the trial court's central concern that the parties would "put [the child] in a position in the middle where he will develop

some real ideas, warped ideas, that may end up creating problems for him in the future." (Tr. 141.) And Father never confronts the admission of both parents that their difficulties in communication indeed had put the child in the middle. (Tr. 16; Tr. 133.) The issue here was more than mere "[e]vidence of animosity between former spouses." (Respondent's Brief, p. 32.) Instead, the trial court was raising the specter of abuse or neglect by accusing both parents of putting the child in the middle of their disputes and damaging him.

Father tries to justify the trial court's refusal to appoint a guardian ad litem with a series of distinguishable cases. For instance, Father cites *Elrod v. Elrod*, 192 S.W.3d 738, 74 (Mo.App.S.D. 2006) for the unremarkable holding that an appellant has the burden of demonstrating error. Yet *Elrod* had nothing to do with the appointment of a guardian ad litem.

Father also relies on cases where other allegations or evidence, in different factual settings, were not deemed sufficient to require the appointment of a guardian ad litem. See, e.g., *Rombach v. Rombach,* 867 S.W.2d 500, 503 (Mo. banc 1993) (holding father's conduct in trying to discipline or care for the children on different occasions, though leaving much to be desired, did not rise to abuse or neglect); *In the Matter of R.A.D.*, 348 S.W.3d 778, 783 (Mo.App.S.D. 2011) (holding that disconcerting allegations of threats by parents against each other and other family members, father carrying a loaded firearm, mother going to bars and leaving child in father's care, did not rise to abuse or neglect); *Gilman v. Gilman*, 851 S.W.2d 15, 18 (Mo.App.W.D. 1993) (holding that allegations of mother's

poor housekeeping, father's alcohol problem and his anger directed toward mother did not rise to abuse or neglect). *R.A.D.* and *Gilman* show only that allegations about parents' misconduct will not be deemed sufficient when the children are not mistreated.

This Court must confront the fact-specific question of whether the allegations or evidence in this appeal rise to the level of abuse or neglect. In other factual settings, courts have shown a greater tendency to require the appointment of a guardian ad litem when allegations of abuse or neglect directly affect the welfare of children. *See, Johnson v. Johnson*, 812 S.W.2d 176, 177 (Mo.App.W.D. 1991) (holding appointment of guardian ad litem was required because of allegation that the mother neglected her child by allowing the child to be frequently ill); *Frazier v. Frazier*, 845 S.W.2d 130, 131 (Mo.App.W.D. 1993) (holding appointment was required because of allegations that a father was "grossly negligent" in allowing the child to be injured while playing unsupervised in a garage and then absenting himself from the hospital during surgery); *McArthur v. McArthur*, 982 S.W.2d 755, 756 (Mo.App.E.D. 1998) (holding appointment was required because of allegations that mother resided with child in camper with no electricity or running water, allowed the child to be diagnosed with lice and left the child alone).

In this appeal, the combination of Father's allegations in his First Amended Motion and the trial court's own conclusions from the evidence was more than sufficient to have required the appointment of a guardian ad litem. Father alleged

that Mother "suggested" the child would miss favored activities like attending Cardinal baseball games, family outings or Tae-Kwon-Do if the child spent more time with Father; that Mother frequently shared a bed with a Muslim man named Imad Khamis while the child was present; that the child was told that it was permissible for a Muslim man, like Mr. Khamis, to have more than one wife; that Mother refused to allow the child to attend a funeral with Father's family; and that Mother generally alienated the child from Father. (L.F. 42-44.) Then, at the conclusion of the evidence, the trial court expressed its own fear that the parents would continue their prior bad behavior in putting the child in the middle of their disputes. (Tr. 141.) The combination of Father's allegations and the trial court's own conclusions raised the specter of abuse or neglect.

In her post-trial motion, Mother claimed that the trial court should have appointed a guardian "[g]iven the history of the parties, the child's grade level and academic career to date, the time the minor child has resided with [Mother] in Kansas, the various allegations contained in [Father's] Motion and the evidence adduced at trial regarding difficulties that impact the minor child." (L.F. 113.) The trial court abused it discretion in failing to make the appointment.

III

THE TRIAL COURT ABUSED ITS DISCRETION IN CHANGING THE RESIDENCE OF THE CHILD FOR MAILING AND EDUCATIONAL PURPOSES TO FATHER'S RESIDENCE BECAUSE THE TRIAL COURT FAILED TO CONSIDER ALL RELEVANT "BEST INTEREST"

FACTORS TO JUSTIFY SUCH A MODIFICATION UNDER §452.375.2 RSMO IN THAT THE TRIAL COURT ADMITTED IN ITS FINDINGS THAT LITTLE OR NO EVIDENCE WAS PRESENTED ON THE STATUTORY FACTORS OF (1) THE CHILD'S HOME SCHOOL AND COMMUNITY; (2) IF EITHER THE PARENT OR THE CHILD SUFFERS FROM ANY PHYSICAL OR MENTAL HEALTH PROBLEM OR (3) THE WISHES OF THIS NINE-YEAR OLD CHILD; AND THE TRIAL COURT DISREGARDED FATHER'S INTENT TO RELOCATE THE CHILD FROM KANSAS TO MISSOURI AS A RELEVANT CONSIDERATION; BUT WHEN MOTHER PRESENTED A POST-TRIAL MOTON WITH A SUPPORTING AFFIDAVIT AND SCHOOL AND PHONE RECORDS TO HIGHLIGHT THE NEED FOR MORE FINDINGS ON THE OMITTED FACTORS, THE TRIAL COURT IMPROPERLY DENIED THE MOTION.

Mother contends in her third point that the trial court failed to consider all relevant "best interest" factors required to justify a modification of custody under §452.375.2 RSMo (2012). (Appellant's Brief, pp. 33-39.) The trial court admitted that little or no evidence was presented on (1) the child's home, school and community; (2) if either parent or the child suffers from any physical or mental health problem; or (3) the wishes of the nine-year old child. (L.F. 76.) And the trial court disregarded Father's intent to uproot the child and relocate him to Missouri as a relevant consideration. (L.F. 76.)

In his response, Father conflates the distinction between irrelevant factors and factors on which little or no evidence was presented. Father accuses Mother with only giving "lip service" to the rule that the trial court need only consider relevant statutory factors in its findings. (Respondent's Brief, p. 39.) And then Father asks the rhetorical question of how the trial court could determine if certain factors were relevant if no evidence was presented on those factors. (Respondent's brief, p. 39.) Father also relies on the distinguishable decision in *Alred v. Alred*, 291 SW.3d 328, 334 (Mo.App.S.D. 2009), where the Southern District specifically found that three of the eight statutory factors were not relevant.

Little or no evidence presented on a factor is not the same as finding that the factor is irrelevant. Father bore the burden of proving a substantial change of circumstances and that his proposed modification was necessary to serve the best interests of the child. *McCreary v. McCreary*, 954 S.W.2d 433, 439 (Mo.App.W.D. 1997). The trial court in this appeal acknowledged that little or no evidence was presented on three of the eight statutory factors. (L.F. 76.) In this respect, because Father had the burden of proof, he would suffer from a deficient record. *McCreary v. McCreary*, 954 S.W.2d at 441.

The trial court had an affirmative duty to consider the "best interest" of the child, giving due consideration to the eight statutory factors listed in §452.375.2. In appropriate circumstances, the trial court has discretion to reopen the record and take additional evidence. *See, Ream-Nelson v. Nelson*, 333 S.W.3d 22, 28

(Mo.App.W.D. 2010); *see also*, *McCreary v. McCreary*, 954 S.W.2d at 447-48 (directing on remand that trial court satisfy itself that there was no basis for certain allegations after it refused to reopen record). Indeed, where the need for mandated statutory findings is noted in a motion for new trial, the trial court abuses its' discretion if it rejects the motion. *Davis v. Schmidt,* 210 S.W.3d 494, 504 (Mo.App.W.D. 2007).

Just like in *Davis*, the trial court erred in denying Mother's motion for a new trial when her motion revealed the need for more findings. (L.F. 170.) As expected, Father glosses over deficiencies in the record by quoting the trial court's findings on five of the eight statutory factors verbatim. (Respondent's Brief, pp. 42-48.) And Father argues against consideration of Mother's affidavit and supporting documents based on this Court's irrelevant holding about newly discovered evidence in *Womack v. McCullough*, 358 S.W.2d 66, 88 (Mo. 1962). (Respondent's Brief, pp. 49-50.) Mother adequately addressed both of these points in her Substitute Appellant's Brief. (See, Appellant's Brief, pp. 38-39.)

Father raises revealing arguments about factors five and seven that expose the weakness in his position. Father notes that the trial court expressed its belief in factor five that the minor child "would have no problem adjusting to Father's home, local school or community." (Respondent's Brief, p. 51, citing L.F. 76.) Yet earlier in the same paragraph, the trial court admits it "heard little evidence concerning the child's home, school and community." (L.F. 76.) So, in effect, the

trial court admits its speculative belief about how the child would adjust to the modification is not supported by substantial evidence.

Finally, Father parses through words in an attempt to justify the trial court's disregard of Father's intention to relocate the child in factor seven. (Respondent's Brief, p. 51.) Yet, in other findings, the trial court acknowledged that the whole purpose of Father's motions was to uproot the child from his existing home, school and community in Kansas and to relocate his principal residence to Missouri. (L.F. 70-71.) By giving no consideration to the relocation factor, the trial court never addressed the potential disruptive effects that its experiment in flipping the child's residence would have on the boy's welfare. (LF. 75-76.) Mother was trying to fill this void in the evidence when she presented her affidavit with supporting school records.[1] (LF. 115-131.) The trial court abused its discretion by refusing to reopen the record to consider Mother's evidence.

Where child custody is at issue, the child's welfare is the primary consideration. *Kroeger-Eberhart v. Eberhart*, 254 S.W.3d 38, 48 (Mo.App.E.D. 2007). Custody should not be used to reward or punish either party. *Id.* The trial court lost sight of this rule when it got overly absorbed in trying to assess relative blame for what it called the "inexcusable" conduct of both parents. (Tr. 140; L.F.

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[1] Mother also submitted phone records to refute Father's complaints about his alleged difficulty in communicating by phone with the child. (Tr. 12-14; L.F. 116, 132-141.)

71-75.) This Court should remand the case with instructions for the trial court to consider all relevant statutory factors bearing upon the welfare of the child.

IV

THE TRIAL COURT ERRED IN ADOPTING ITS AMENDED PARENTING PLAN *NUNC PRO TUNC* WITHOUT PRIOR NOTICE OR HEARING BECAUSE THIS ACTION EXCEEDED THE TRIAL COURT'S AUTHORITY UNDER SUPREME COURT RULE 74.06(a) IN THAT THE POWER OF A COURT TO CORRECT A JUDGMENT *NUNC PRO TUNC* IS LIMITED TO CORRECTING CLERICAL MISTAKES ARISING FROM INADVERTENT ERRORS OR OMISSIONS IN THE RECORD AND CANNOT BE USED, AS HERE, TO IMPOSE SUBSTANTIVE CHANGES IN THE DISCRETIONARY AUTHORITY OF THE COURT TO ADOPT A PHYSICAL CUSTODY SCHEDULE.

Mother contends in her fourth point that the trial court misapplied the law in adopting its Amended Parenting Plan *nunc pro tunc*. (Appellant's Brief, pp. 39-44.) Mother contends that the power of a court under Rule 74.06(a) to correct a judgment *nunc pro tunc* is limited to "clerical mistakes." This power cannot be used, as here, to impose substantive changes in the discretionary authority of the court to adopt a physical custody schedule.

In his response, Father ridicules Mother's fourth point as a "nonsensical" argument. (Respondent's Brief, pp. 57-58.) Father concedes that the Judgment of the trial court made no finding about "primary physical custody." (Respondent's

Brief, p. 54.) Yet Father insists that the trial court did not intend to make a substantive change when it inserted an entire paragraph into the Amended Parenting Plan giving Mother primary physical custody during holidays, special days and summers as specified in an attached schedule, and giving Father primary physical custody at all other times. (Respondent's Brief, p. 57.)

Father glosses over the "clerical mistakes" limitation in Rule 74.06(a). And Father never addresses the rule forbidding the use of a *nunc pro tunc* order to correct anything in the exercise of discretion because this would result in a change in the judgment. *Sullivan v. Miner*, 180 S.W.3d 531, 533 (Mo.App.E.D. 2006). Nor does Father address the rule forbidding the use of a *nunc pro tunc* order to correct judicial inadvertence, omission, oversight or error, or to show what the court might have done as distinguished from what it actually did, or to conform to what the court intended to do but did not do. *Keck v. Keck*, 996 S.W.2d 652, 654 (Mo.App.E.D. 1999). Beyond speculation in his Brief about what the trial court supposedly intended, Father failed his burden of proving a clerical error discernable from the record. (See, L.F. 87-88.)

Father justifies the trial court's decision not to award "primary physical custody" in the Judgment on the theory that such a designation would have violated Missouri law. (Respondent's Brief, p. 54.) This theory actually undermines Father's argument about the Amended Parenting Plan. It is true that Missouri law does not recognize "primary physical custody." *Malawey v. Malawey*, 137 S.W.3d 521, 524 (Mo.App.E.D. 2004). This improper terminology

should be avoided, not only in the judgment, but also in the trial court's parenting plan. See, *Cerutti v. Cerutti*, 169 S.W.3d 113, 116 (Mo.App.W.D. 2005) (instructing trial court to avoid language "approaching joint physical custody" in modified parenting plan because it improperly suggested the appointment of a "primary physical custodian").

The use of improper terminology in a parenting plan is more than just semantics. By designating a custody arrangement as "joint," rather than "sole" or "primary," the court is setting the standard for future modification. *Malawey v. Malawey*, 137 S.W.3d at 524. Further, the parent may believe that his or her designation as a "joint physical custodian" has intrinsic value – to avoid any stigma that might attach if the other parent is named as primary or sole custodian. *Id.*

When the trial court adopted its original Parenting Plan with the Judgment, the court checked a box giving Mother and Father joint legal and physical custody. (L.F. 80.) But the "primary" residence of the child for education and mailing purposes was designated as Father's address. (L.F. 82.) And the trial court then checked what it called "Option C," giving Mother designated times for custody on holidays, special days and during the summer. (L.F. 82, 85-86.) In the same schedule, Father was given custody on alternate Thanksgiving holidays, Father's

Day and his family funerals. (LF. 85-86.) The Parenting Plan was silent about who was to have physical custody at other times.[2]

By purporting to adopt its Amended Parenting Plan *nunc pro tunc*, the trial court imposed a substantive change in its' discretionary authority to adopt a physical custody schedule during the regular school year. The trial court declined to give Mother alternate weekend custody as Father had proposed in his Parenting Plan. (L.F. 49-50, 91.) Instead, the trial court specified that the child was to be "PRIMARILY IN MOTHER'S PHYSICAL CARE, CUSTODY AND CONTROL" only during the times listed on the schedule for holidays, special days and the summer. (L.F. 92.) And the court inserted the following language perilously close to a forbidden award of "primary physical custody":

> THE MINOR CHILD SHALL BE PRIMARILY IN THE FATHER'S PHYSICAL CARE, CUSTODY AND CONTROL, AT FATHER'S RESIDENCE IN THE STATE OF MISSOURI (OR WHEREVER FATHER MAY BE) AT ALL TIMES NOT SPECIFICALLY SET ASIDE

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[2] This silence was significant because Father had proposed in his Parenting Plan that he be given sole custody, but that Mother would have alternate weekends. (L.F. 49-50.) Mother's counsel inadvertently misconstrued the record in believing that Mother would have alternate weekends, with transfers continuing to be at 6:00 pm. on Fridays. Because this box was not checked in the Amended Parenting Plan, Mother has now withdrawn the second point in her appeal.

TO MOTHER UNDER THE ATTACHED CUSTODY SCHEDULE (EXHIBIT 1-A).

(L.F. 92.)

Even if Father is correct in speculating that this is what the trial court originally intended to do – and that is by no means discernable from the record - the trial court did not have the power to make this substantive change in the exercise of its discretionary authority *nunc pro tunc*. *Sullivan v. Miner*, 180 S.W.3d at 533. If the trial court mistakenly believed that it had awarded Father physical custody during the school year, this was a judicial error and not a clerical one. *See, Keck v. Keck*, 996 S.W.2d at 654. This Court should not permit use of *nunc pro tunc* to correct a judicial omission, or to conform to what the trial court intended to do but did not do. *Id.* at 654.

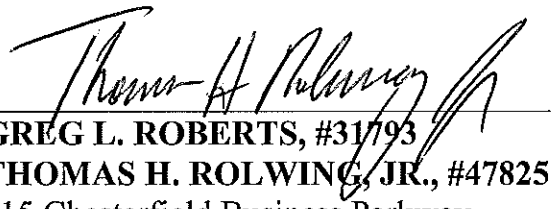
Because the trial court misapplied the law, this Court should hold that the Amended Parenting Plan is void.

CONCLUSION

For the reasons stated here and in Mother's Substitute Appellant Brief, Mother requests this Court to reverse the Judgment of Modification and Amended Parenting Plan, or in the alternative, to reverse the Judgment and to find that the Amended Parenting Plan is void. This case should be remanded with instructions for the trial court to appoint a guardian ad litem, to reopen the record and to make findings on all relevant factors under §452.375.2 RSMo.

Respectively submitted,

THE ROBERTS LAW FIRM, P.C.



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CERTIFICATE UNDER RULE 84.06(c)

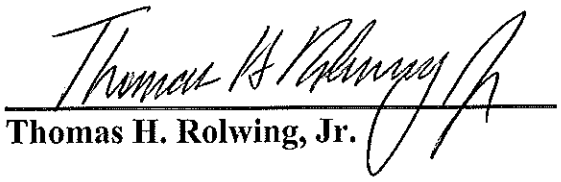
I, Thomas H. Rolwing, Jr., hereby certify that I am one of the attorneys for Appellant Angela Crumer-Soehlke, and that the foregoing Substitute Reply Brief of Appellant:

(1) Includes the information required by Rule 55.03;

(2) Complies with the limitations contained in Rule 84.06(b); and

(3) Contains 5,038 words.

The undersigned further certifies that the electronic file for this Brief has been scanned for viruses and is virus-free.



Thomas H. Rolwing, Jr.

CERTIFICATE OF SERVICE

I, **Thomas H. Rolwing, Jr.,** hereby certify that I am one of the attorneys for Appellant Angela Crumer-Soehkle, and that on the 15th day of January, 2013, I caused one copy of the aforesaid Substitute Reply Brief of Appellant to be served upon the following counsel for the Respondent in accordance with Supreme Court Rules for electronic filing:

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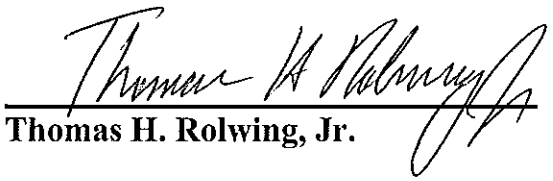

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